



PATENT

Atty. Docket: 2500 DIV 2 CON2 DIV3 CON3
(203-3515 DIV2 CON2 DIV3 CON3)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Peter M. Bonutti

Examiner: Thaler, Michael H.

Serial No.: 10/729,668

Group: Art Unit 3731

Filed: December 5, 2003

Dated: August 13, 2004

For: FLUID OPERATED RETRACTORS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL FORM

Sir:

Transmitted herewith is an amendment in the above-identified application.

- ☐ Small entity status of this application under 37 C.F.R. § 1.9 and 1.27 has been established by a verified statement previously submitted.
☐ A verified statement to establish small entity under 37 C.F.R. § 1.9 and 1.27 is enclosed.
☒ No additional fee is required.

The fee has been calculated as shown below:

| | (Col. 1) | (Col. 2) | (Col. 3) | SMALL ENTITY | OTHER THAN SMALL ENTITY |
|--|---|---------------------------------------|------------------|--------------------|----------------------------|
| | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NO. PREVIOUSLY PAID FOR | PRESENT EXTRA | ADDIT. RATE FEE | ADDIT. RATE FEE |
| TOTAL | 101* MINUS | 101** | = 0 | X 9 \$ | X 18 \$ 0 |
| INDEP. | 6* MINUS | 6** | = 0 | X 43 \$ | X 86 \$ 0 |
| <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM | | | | X 145 \$ | X 290 \$ 0 |
| | | | | TOTAL | OR TOTAL \$ 0 |
| | | | | ADDIT. FEE | \$ -0- |

* If the entry in Co. 1 is less than entry in Col. 2, write "0" in Col. 3.

** If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The Highest No. Previously Paid For" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 13, 2004.

Dated: August 13, 2004


Dana A. Brussel

☐ Please charge Deposit Account No. 21-0550 in the amount of \$____. Two (2) copies of this sheet are enclosed.

☐ A check in the amount of \$_____ is enclosed.

☒ Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. § 1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. 21-0550. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 21-0550 therefor. TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.

Respectfully submitted,



Dana A. Brussel
Reg. No. 45,717
Attorney for Applicant(s)

Carter, DeLuca, Farrell & Schmidt, LLP

445 Broad Hollow Road, Suite 225
Melville, New York 11747
Tel.: (631) 501-5700
Fax: (631) 501-3526

DAB/dag

Appl. No. 10/729,668
Amdt. dated August 13, 2004
Reply to Office Action mailed July 13, 2004

Thw



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EXAMINER: Thaler, Michael H.

SERIAL NO.: 10/729,668

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FOR: FLUID OPERATED RETRACTORS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Sir:

In response to the Office Action Summary mailed on July 13, 2004, please consider the following remarks.

REMARKS

In the Office Action, the Examiner requires the Applicant to elect a single disclosed species under 35 U.S.C. §121 for prosecution on the merits, to which the claims shall be restricted if no generic claim is finally held allowable. The Examiner states that currently claim 38 is generic. The Examiner states that the claims are directed to the following patentably distinct species of the claimed invention: I) the embodiment of Figures 11 and 11A; II) the embodiment of Figures 12 and 12A; III) the embodiment of Figures 18 and 18A; and IV) the embodiment described on page 23, lines 19-20 of the specification.

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Dated: August 13, 2004

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